

1 A I think so. I'm not sure.

2 Q Didn't you tell her, that is, that his  
3 issues seem to be not psychiatric, he has some  
4 other issues, and if you want some more  
5 information, come talk to me?

6 A Yes.

7 Q That's what you said to her?

8 A That's part of what I said to her. It  
9 took longer than that but, yes, I did say that.

10 Q Did she come and talk to you?

11 A I don't think so.

12 (Document marked as Exhibit No. 5.)

13 Q Before we get there, Mrs. Porter, with  
14 respect to your conversation with Gayle Bartley,  
15 you indicated that she didn't come and speak to  
16 you?

17 A I don't think so. I went to her.

18 Q No. I mean after you provided her this  
19 information, after you said to her, "I saw Rene.  
20 I think there's more to the story. If you need  
21 more information, come see me."

22 A I don't think she came to see me.

23 Q Did you follow up with her?

24 A No.

1 A I believe so.

2 Q Did you review it?

3 A No. I reviewed a report of -- the  
4 investigators' report, but I did not review the  
5 chart itself.

6 Q So you didn't check Mr. Rosario's  
7 medical chart after his examination by Beth  
8 Bringola to confirm that the injuries that she  
9 documented in her findings were consistent with  
10 what you observed?

11 A Correct.

12 Q And you didn't share any of that  
13 information with Physician's Assistant Bringola,  
14 correct?

15 A Not right then.

16 Q When did you share anything with Beth  
17 Bringola related to Mr. Rosario?

18 A We had a conversation, but I'm not sure  
19 if it was that day or another day.

20 Q What was the conversation?

21 A Just that she examined him, and Rene was  
22 busy telling everybody that -- that he was abused  
23 and that she had examined him.

24 Q Are you aware that the injuries that

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1 Ms. Bring -- that Physician's Assistant Bringola  
2 observed -- strike that.

3 Are you aware that Physician's  
4 Assistant Bringola did not observe an injury to  
5 Mr. Rosario's chest and shoulder?

6 A I didn't say his shoulder. I said his  
7 -- the chest and arm.

8 Q Are you aware that she didn't observe an  
9 injury to his chest?

10 A Yes, I am now.

11 Q In light of that, would it have been  
12 important for you to have communicated your  
13 observations of and communications with  
14 Mr. Rosario to the person who ultimately did the  
15 physical examination?

16 A No. I am aware also by reading this  
17 that Beth did her investigation, also her exam,  
18 with officers present, and I am not sure whether  
19 she had him take off the Ferguson or not.

20 Q So it's possible that Mr. Rosario --  
21 strike that.

22 Are you suggesting that Mr. Rosario  
23 didn't show Ms. Bringola the full extent of his  
24 injuries?



1 information I got.

2 Q She didn't see the same injury, though,  
3 did she?

4 MR. SAVAGE: Objection --

5 A No.

6 MR. SAVAGE: -- you don't know what  
7 she saw.

8 A I don't know what she saw. She got the  
9 same information I did.

10 Q You weren't present during her physical  
11 examination of Mr. Rosario, were you?

12 A No.

13 Q So you're not aware of what information  
14 he communicated to her?

15 A I read the same -- I read the records  
16 that --

17 Q You're not aware of what information he  
18 communicated to Beth Bringola, correct?

19 A No.

20 Q And you didn't review the medical chart  
21 to see whether or not her documentation of her  
22 examination of Mr. Rosario was consistent with  
23 your observations of Mr. Rosario, correct?

24 A Correct.

1 Q So it wasn't the subject matter that you  
2 were concerned about that prevented you from  
3 disclosing it immediately to SID?

4 A It was the person.

5 Q It was Rene Rosario?

6 A Yes, and the relationships.

7 Q And certainly this is something that you  
8 were aware that you were obligated to report to  
9 SID, correct?

10 A Obviously.

11 Q I don't know what the obviously refers  
12 to, but I'm asking you certainly an allegation of  
13 physical abuse by an inmate against an officer is  
14 something you knew you were obligated to report to  
15 SID, correct?

16 A I was obligated to report it to my  
17 supervisor, which I did.

18 Q You also had obligations to report it to  
19 the Sheriff's Investigation Division, did you not?

20 A I felt that I was fulfilling my  
21 obligation by reporting it to my Suffolk County  
22 supervisor who would have been Mary Ellen  
23 Mastrorilli at that time.

24 Q Well, I didn't ask you whether or not

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1 you felt you were fulfilling your obligation. I  
2 asked you whether or not you were aware that you  
3 were obligated to report it to the Sheriff's  
4 Investigation Division?

5 A Yes, and I believe I did that.

6 Q And you indicated your Suffolk County  
7 Supervisor, Mary Ellen Mastrorilli. Well, your  
8 supervisor was Donna Jurdak, right?

9 A Correct.

10 Q You didn't report to Mary Ellen  
11 Mastrorilli, correct?

12 A I reported it to Donna. We discussed  
13 where she would report it, and she reported it to  
14 Mary Ellen.

15 Q Well, you didn't report it to Mary Ellen  
16 Mastrorilli directly, correct?

17 A Correct.

18 Q And she's not your Suffolk County  
19 supervisor, correct?

20 A She's the supervisor of -- at that time  
21 she was the deputy in charge of the medical -- the  
22 medical department which would in effect make her  
23 the next person up for Suffolk County.

24 Q Prior to May 19th of 2003, had you



1 A In the health service unit.

2 Q What did you say to her; what did she  
3 say to you?

4 A I told her that Rene had come down on  
5 MOA because he said he was hearing voices, but  
6 then when I saw him in the back, he said he wasn't  
7 hearing voices; he came down because he was  
8 reporting that he had been assaulted by an  
9 officer, and that he waited -- I told her the  
10 story that Rene told me; that he waited for the  
11 officer that he said injured him to leave the unit  
12 for lunch; and then he said he was hearing voices  
13 so that he could get down to the -- to the health  
14 service unit to see someone; and that when I  
15 talked to him, he didn't appear to be having a  
16 problem with his mental illness at that time; that  
17 he said he wasn't hearing voices, but he came down  
18 for the other reason; that he said he had been  
19 assaulted and he was afraid.

20 Q Anything else?

21 A That Rene was back and I didn't  
22 understand why he was back, and that I wanted to  
23 re -- I wanted to report it; that I needed to  
24 report it; and that I wanted to -- that I wasn't

1 sure what -- what to do about it.

2 Q Did you tell her that you had not  
3 documented your encounter with him in his medical  
4 chart?

5 A No.

6 Q At the point in time that you had this  
7 conversation with Donna Jurdak, had you written  
8 the document that appears before you as  
9 Exhibit No. 5?

10 A No.

11 Q Did you ask Donna Jurdak to do anything  
12 with the information that you had provided to her?

13 A Yes.

14 Q What was that?

15 A We talked about it and decided that it  
16 would be Mary Ellen she would report it to. I  
17 asked her to convey the information to Mary Ellen.

18 Q And what was your sense of what Mary  
19 Ellen would do with the information?

20 A I thought she might pass it on to SID or  
21 to somebody different in SID. There were new  
22 people in SID that I didn't know. I didn't know  
23 -- I wasn't sure what she was going to do with it,  
24 but that's where I wanted it to go next.



1 Q So you ultimately wanted it to go to  
2 SID?

3 A I wanted it to go to the Suffolk County  
4 Sheriff's Department to be investigated, yes.

5 Q And the entity that investigates is the  
6 Sheriff's Investigation Division, SID?

7 A Yes.

8 Q Was there anything that prevented you  
9 from contacting the new investigators directly  
10 that may not have been aware of your prior  
11 involvement with Rene Rosario?

12 A Just what I told you.

13 Q So there's nothing that prevented you  
14 from calling down to speak to Brian Dacey directly  
15 on May 19th of 2003?

16 A I didn't know who Brian Dacey was; I  
17 never met him before.

18 Q There was nothing that prevented you  
19 from calling down to SID to ask to speak to one of  
20 the new investigators, correct?

21 MR. SAVAGE: Objection. I think  
22 she's answered the same question four or five  
23 times.

24 A I told you why I made the decision. I

1 finished writing it?

2 A I was going to give it to Donna, but she  
3 had left the facility, so I put it in my briefcase  
4 and took it with me.

5 Q To home?

6 A Yes.

7 Q why didn't you leave it on her desk or  
8 in her office?

9 A I didn't want to leave it anywhere.

10 Q why not provide it to Mary Ellen  
11 Mastrorilli directly that day?

12 A I had left it with Donna that she would  
13 do it and that's what I --

14 Q That she would do what?

15 A That she would pass it on to Mary Ellen.

16 Q Is it your testimony that you told Donna  
17 you were going to write a report and that's what  
18 she was going to provide to Mary Ellen?

19 A She called Mary Ellen and told her what  
20 I had -- and reiterated what I had told her. Mary  
21 Ellen asked her to have me write a report. I was  
22 already writing a report, but she passed that  
23 information on to me, and so I said I would -- I  
24 would get it to her.

1 Q Were you present during the conversation  
2 that Donna Jurdak had with Mary Ellen Mastrorilli?

3 A No.

4 Q When after that phone conversation did  
5 Donna Jurdak come to you and tell you that Mary  
6 Ellen had requested a report?

7 A Before she left the facility.

8 Q Were you already in the process of  
9 writing the report?

10 A Yes.

11 Q Did you ask her to wait and say, "I'm  
12 almost finished with it. I can give it to you in  
13 a moment"?

14 A No, I wasn't almost finished with it.  
15 She had an appointment; she was leaving.

16 Q Once you finished the report -- strike  
17 that.

18 You were aware then on the 19th,  
19 according to your testimony, that Mary Ellen  
20 Mastrorilli had requested a written report?

21 A Yes.

22 Q So why once you finished it didn't you  
23 bring it to where Mary Ellen Mastrorilli's office  
24 was?



1 A It didn't occur to me.

2 Q Had you ever provided reports to Mary  
3 Ellen Mastrorilli before?

4 A No.

5 Q Did you know who she was?

6 A Yes.

7 Q Had you had conversations with her about  
8 your responsibilities and her job before?

9 A Yes.

10 Q So there's nothing that prevented you  
11 from providing that written document to her on  
12 May 19th, right?

13 A No.

14 Q Okay. When did you give this document  
15 to Donna Jurdak?

16 A I honestly am not sure. Before the end  
17 of the week is all I can tell you. By Friday I'm  
18 not sure we didn't cross paths for one reason or  
19 another, and I know she had it by Friday. I can't  
20 tell you whether it was Thursday or Friday.

21 Q What day of the week was that; do you  
22 know? What number day? This was on the 19th.  
23 When --

24 A I think the 19th was a Monday.

1 Q And your testimony is that you provided  
2 it to Donna Jurdak by when?

3 A By Friday.

4 Q So by the -- here's a math question  
5 again -- by the 23rd?

6 MS. HARVEY: 23rd.

7 A Yes.

8 Q Were you -- I'm sorry.

9 A I think it was Thursday, but I'm not  
10 positive.

11 Q And were you working on Tuesday,  
12 Wednesday, and Thursday?

13 A To the best of my knowledge, yes.

14 Q Was there some reason that prevented you  
15 from providing this written document to Donna  
16 Jurdak before the Thursday date?

17 A I don't remember.

18 Q Okay. Was there some reason that  
19 prevented you from giving it directly to Mary  
20 Ellen Mastrorilli on Tuesday, Wednesday, or  
21 Thursday?

22 A It didn't occur to me.

23 Q And when you provided this document to  
24 Donna Jurdak, was it the original document?

1 Q Okay. Well, have you used that term  
2 before?

3 A I have no idea.

4 Q Mrs. Porter, when did you -- when did  
5 you call the F.B.I. regarding the information that  
6 Rene Rosario had provided to you?

7 A Probably on the 19th.

8 Q When you say probably, could it have  
9 been the 20th?

10 A I think I made the phone call on the  
11 19th, but I didn't talk to anyone.

12 Q When did you talk to someone regarding  
13 the allegations that Mr. Rosario had made to you?

14 A I think the 20th.

15 Q And whom did you speak with?

16 A Krista.

17 Q Krista Snyder?

18 A Um-hm.

19 Q How did you contact them?

20 A Phone.

21 Q What did you tell them?

22 A What Rene told me.

23 Q Had you already completed the document  
24 that's been identified as Exhibit No. 5?



1 A Yes.

2 Q And you recall that that took place in  
3 the infirmary at the Suffolk County House of  
4 Correction?

5 A I believe it did.

6 Q During the course of that interview, did  
7 Mr. Dacey or Ms. Aleman ask you for the report  
8 concerning your observations of Mr. Rosario on  
9 May 19th?

10 A They asked me if I had done one. I said  
11 yes.

12 Q And when you said that yes, you had done  
13 one, did they ask you for it?

14 A I believe they asked if I had a copy.

15 Q What did you say?

16 A I did not have it with me at the time.

17 Q Is that what you told them or is that --  
18 was that the case? What did you specifically tell  
19 them about the existence of a report and the  
20 location of the report?

21 A I have no idea, except that I know I had  
22 completed it. I do not recall the circumstances  
23 about why I didn't have it with me.

24 Q Right. What I asked you was what did

1 you tell them about where the report was.

2 A I don't know.

3 Q What further conversation did you have  
4 with them about this document that you had  
5 authored on, as you state, May 19th?

6 A They asked for a copy. I -- I don't  
7 recall specifically what I said. If that was the  
8 22nd, I may have already given it to Donna. I am  
9 not sure. And that piece I probably wouldn't have  
10 shared with them. I just didn't have it with me  
11 at the time.

12 Q But you recall them asking you for it?

13 A For a copy, yes.

14 Q And you recall that you didn't have it  
15 with you?

16 A Correct.

17 Q And you recall that you didn't provide  
18 it to them?

19 A Not on the 22nd, no.

20 Q And you acknowledge that there was a  
21 document about your observations and  
22 communications with Rene Rosario?

23 A Yes.

24 Q Did you tell them who you were going to

1 to review it?

2 A Yes.

3 Q Does this report by Brian Dacey  
4 accurately recount the conversation that you had  
5 with him and Sonya Aleman on May 22, 2003  
6 concerning your interaction with Rene Rosario on  
7 May 19th?

8 A I would say it's a partial report, yes.

9 Q Well, let's look at the first paragraph.  
10 Does the first paragraph accurately characterize  
11 the interaction you had with Brian Dacey and Sonya  
12 Aleman?

13 A Yes, except I'm Nurse Practitioner  
14 Sheila Porter.

15 Q With the exception of Nurse Practitioner  
16 Sheila Porter, is that accurate, the first  
17 paragraph?

18 A Yes.

19 Q How about the second paragraph?

20 A That paragraph reports some of what I  
21 said but not the questions asked to which this was  
22 a response.

23 Q So what were the questions asked to  
24 which those were a response, if you recall?



1           A     I did tell them that I had a history  
2 with Rene. They asked me what the specific  
3 history was. That wasn't just all volunteered; it  
4 was in answer to specific questions; and I can't  
5 tell you the specific questions, except they asked  
6 me what my history with him -- with Rene was.

7           Q     With the absence of the questions, does  
8 the second paragraph accurately recount the  
9 information that you provided to Brian Dacey and  
10 Sonya Aleman in response to their questions?

11          A     I guess I'm not sure of the way it's  
12 characterized. I did think that throughout the  
13 conversation I perhaps said each of those things;  
14 but, again, it does not indicate why any of those  
15 answers were given. That doesn't indicate that  
16 those were answers to questions. It indicates  
17 that, it appears to me, that this was just a  
18 conversation I was having all by myself.

19          Q     My question to you was: Is the  
20 information attributed to you in the second  
21 paragraph what you said to them?

22          A     I believe so.

23          Q     How about the third paragraph, does that  
24 accurately reflect the information that you

1 communicated to Brian Dacey and Sonya Aleman  
2 during their interview of you on May 22, 2003 in  
3 the infirmary?

4 A No.

5 Q What is inaccurate?

6 A The timing.

7 Q Which timing?

8 A On Monday at approximately 12:00 p.m.  
9 she saw Rene as he was being transported into the  
10 infirmary from the 142 Unit, and then it appears  
11 here that the next thing I did was get called over  
12 to his cell. There was a half an hour lapse in  
13 time there, at least.

14 Q It's fair to say you did see him come  
15 into the unit at approximately 12:00; is that  
16 correct?

17 A I believe it was, yes.

18 Q And the time that you had your  
19 interaction with him was what time?

20 A Approximately 12:30, I believe. I had  
21 been downstairs for lunch and back up again before  
22 I went by his cell.

23 Q And so what time approximately did you  
24 have your interaction with him?

1 A Approximately 12:30.

2 Q With the exception of that point, the  
3 time at which you had your interaction, is the  
4 rest of the information contained in paragraph 3  
5 accurate in terms of what you told Investigators  
6 Brian Dacey and Sonya Aleman?

7 A I don't believe I would have added the  
8 unit number, because I wasn't sure what unit he  
9 was in, I thought he was in a different unit, so I  
10 probably did not provide that.

11 Q Okay.

12 A Yes.

13 Q Yes, it's accurate --

14 A Yes.

15 Q -- with the exception of the  
16 identification of the unit and the time at which  
17 you actually had your encounter with Mr. Rosario?

18 A Yes.

19 Q Let's go to the fourth paragraph on the  
20 first page. Does that accurately recount the  
21 information that you provided to Investigators  
22 Dacey and Aleman on May 22nd, 2003?

23 MR. SAVAGE: Does paragraph 4 end on  
24 this page?